

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

KEITH AUSTIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No. 21-cv-10656-DLC

ORDER

CABELL, Magistrate Judge

On April 20, 2021, the Court received for filing a *pro se* motion from Keith Austin (“Austin” or “the petitioner”), who is in custody at FMC Devens. (D. 1). Austin seeks a hearing pursuant to 18 U.S.C. § 4247 and appointment of counsel pursuant to 18 U.S.C. § 3006A. *Id.* In his one-page motion, Austin seeks to have this court “lift a mental health commitment.” *Id.* This action was randomly assigned to the undersigned Magistrate Judge pursuant to the District Court’s Program for Random Assignment of Civil Cases to Magistrate Judges. (D. 2).

When a person is committed pursuant to 18 U.S.C. §§ 4241(e), 4244, 4245, 4246, 4248 or 4243(f), and challenges his continued confinement under one of these statutes, he “... may, at any time during [the] confinement, file with the court that ordered the commitment a motion for a hearing to determine whether the person should be discharged ...” 18 U.S.C. § 4247(h).

Here, the Court is unable to discern from Austin’s one-page motion the identity of the court that ordered his commitment or the statutory basis for his commitment. A search of this court’s records indicates that the instant action is the only action to which Austin is a party in the

District of Massachusetts. Austin failed to submit any evidence to suggest that this court has jurisdiction over his claim.

Because the proper venue for a motion seeking a discharge hearing under § 4247(h) would be with the court that ordered Austin's commitment, the court will direct Austin to file a supplemental statement that provides this court with facts concerning his civil commitment.

Based on the foregoing, it is hereby Ordered that:

1. The petitioner shall file, within 35 days of the date of this Order, a statement that identifies the statutory basis for his commitment and the court that ordered his commitment.

2. The Clerk shall serve a copy of this order on the United States Attorney for the District of Massachusetts, and said United States Attorney is invited, but not required, to provide a status report concerning petitioner's commitment, under seal if necessary.

3. Failure of the petitioner to timely comply may result in dismissal of this action.

So ordered.

/s/Donald L. Cabell
DONALD L. CABELL, U.S.M.J.

DATED: May 10, 2021